



CASE LA0089 NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Burton Rodney  
Type or print name

Signature

March 7, 2007  
Date

IN RE APPLICATION OF  
CHENG ET AL.

APPLICATION NO: 10/616,365

FILED: JULY 8, 2003

FOR: SUBSTITUTED HETEROCYCLIC DERIVATIVES USEFUL AS  
ANTIDIABETIC AND ANTI OBESITY AGENTS AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PENDING APPLICATION**

Sir:

Bristol-Myers Squibb Company, a Delaware corporation, having a place of business at Lawrenceville-Princeton Road, Princeton, NJ 08543-4000, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment which was recorded in the United States Patent and Trademark Office on September 10, 2003 at Reel/Frame 013962/0099.

Bristol-Myers Squibb Company hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending **Application No. 11/406,799** filed April 19, 2006. Said Application No. 11/406,799 is also assigned to Bristol-Myers Squibb Company by virtue of an assignment which was recorded in the United States Patent and Trademark Office on May 22, 2002 at Reel/Frame 012939/0395.

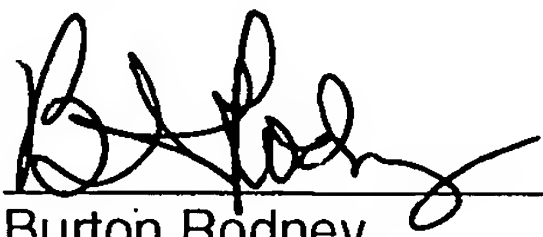
Bristol-Myers Squibb Company hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application No. 11/406,799 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Bristol-Myers Squibb Company does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §154-156 and §173 of any patent granted on Application No. 11/406,799, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A terminal disclaimer fee under 37 CFR §1.20(d) is included.

Signed this 7th day of March, 2007 by the undersigned attorney of record.

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